

The Principle of Non-Interference in ASEAN: Can Malaysia Spearhead the Effort towards a More Interventionist ASEAN

Muhammad Fuad Othman & Zaheruddin Othman

Abstract

The principle of non-interference in the internal affairs of ASEAN member states has been identified as among the most significant element that shaped ASEAN intra relations and still remain very much appreciated. By not allowing member states to interfere into another's internal affairs, especially into politico-security issues, it has created a stable and secured environment in the region which contributed tremendously to the efforts of national building and economic development. However, several regional incidents such as the 1997 Asian Economic Crisis, the spread of the Severe Acute Respiratory Syndrome (SARS), Indonesian Smog/Haze crisis and the Myanmar internal political quandary have questioned if not shaken the belief that the doctrine of non-interference is an untouchable sacred political arrangement. This paper will investigate the genesis of this doctrine, the incidents that challenge the doctrine and Malaysia's readiness as a country to lead changes in the doctrine.

Keyword: ASEAN, Non-interference, Security, Politics.

1. INTRODUCTION

The Principle of Non-interference into the internal affairs of ASEAN member states has been the long and trusted 'modus operandi' since the inception of the Association in 1967. This method of non-inclusiveness relation has gone through several phases of changes in almost all fields of cooperation except when it concerns political-security issues.

Malaysia as one of the founding member of ASEAN has expressed its support that this principle should be retained in order to create stability in the region, which would then contribute to the process of individual nation building and national resilience. However, during the course of more than forty years of ASEAN existence, the organization has expanded and ASEAN has been facing new challenges which needed new approaches to managing regional conflict including relaxing the principle of non-interference. The question remains, can ASEAN become a more interventionist organization, especially when it involves politico-security matters.

2. THE HISTORY AND DEVELOPMENT OF ASEAN

The establishment of the Association of Southeast Asia Nations was succeeded from several earlier attempts by different actors in instituting some kind of regional cooperation. In 1954, the earliest regional cooperation of its sort, the Southeast Asia Collective Defence Treaty, which was also known as the Manila Pact was being formed.¹ However, the pact was not inclusive and effective enough to survive for long. Thus, the formation of the South East Asia Treaty Organization (SEATO) in February 1955, was considered as the more successful attempt to bring together different countries from within and outside the region. Despite its name, only two Southeast Asian countries (Thailand and the Philippines) were willing to join this organization and uniting other countries such as the United States, Britain, France, Australia, New Zealand and Pakistan.² The organisation being backed by the United States and primarily aimed at curbing any communist influence in Southeast Asia.³

¹ For a comprehensive discussion on the comparison between the Manila Pact with other regional pacts and its appraisal in achieving multiple international objectives in Southeast Asia, please refer to Ralph Braibanti (Dec 1957) 'The Southeast Asia Collective Defence Treaty', *Pacific Affairs*, Vol. 30. No. 4. P. 321-341.

² Refer to Shaun Narine's 'Explaining ASEAN: Regionalism in Southeast Asia', p. 9-12 for an elaborate discussion on SEATO and its early history.

³ See George Modelski, SEATO: Its Function and Organization in George Modelski (ed), (1962) SEATO: Six Studies for its organisational structure.

Despite having Britain and France alongside the United States, SEATO never really played any significant role in maintaining regional security. For instance, SEATO's intention to get involve in the Vietnam War was rejected by some of its members.⁴ This led to the establishment of the Association of Southeast Asia (ASA) in 1959, and then MAPHILINDO, the acronym for Malaya, the Philippines and Indonesia, in 1963. Both associations failed due to bilateral rivalry and ineffectiveness. After the failure of these earlier organisations, efforts to establish ASEAN were put into motion by two Malay majority nations in a conflict – Malaysia and Indonesia.⁵ Indonesia at that time was under the new administration of Suharto (as president of Indonesia from 12 March 1967 to 21 May 1998), and he needed instant recognition after deposing Sukarno.

However, being the biggest country with the largest population in Southeast Asia, Indonesia would not want to be seen as a leader of the pact, as meetings were conducted all over the region.⁶ Malaysia, on the other hand, was still under Tunku Abdul Rahman, the first Prime Minister, who was an idealist and subscribed to the notion of unity and regional cooperation. He was the founding father of Malaya and subsequently Malaysia in 1963 and the second president of the United Malay National Organization (UMNO) formed by the famous Dato' Onn Jaafar. Dato' Onn with other Malay nationalists demonstrated against the British

⁴ France and Pakistan did not give their support for SEATO to intervene in the Vietnam War to the dismay of the Americans. SEATO was created as a part of the Truman Doctrine and had the support of President Eisenhower administration in order to curb communist expansionism in Asia.

⁵ Malaysia and Indonesia put aside their differences and assigned top rank government officials from both sides to explore the possibility of creating a new regional organisation, which would include all Southeast Asian countries. This is why the Bangkok Declaration of 1967 was just a two-piece paper agreement, which did not specifically spell out the operational definition or charter as the United Nations did.

⁶ Despite its large share of the total ASEAN population, Indonesia did not seek to play a hegemonic role in the new organisation. Meetings rotate between all ASEAN members, and organisational costs are equally shared. Indonesia shifted its priority to concentrate on internal affairs. They had to quell an internal uprising and later invaded East Timor in 1975.

government rejecting a proposal of a post British colonial government called the Malayan Union and then created the UMNO in 1946.⁷

Over the years, ASEAN has opened its doors to other states to join them, as long as they are located geographically in the Southeast Asia region. Its ultimate goal of having all ten countries to join the organisation materialised in 1999. This achievement, symbolised by its new logo of ten rice stalks, was perceived as another milestone accomplishment in joining all regional member states into the Association.⁸ ASEAN could now fully concentrate on enhancing economic and political cooperation, without having to spend too much time focusing on building up the organisation.

Furthermore, some regional countries were also given observer status pending fully-fledged admission, as in the case of Papua New Guinea (1976) and Timor Leste's inclusion into the ASEAN Regional Forum (ARF) meetings in 2005. Even Sri Lanka campaigned for ASEAN membership, to the private distress of the Association's leadership. Sri Lanka's intentions of joining ASEAN would have been entertained were it not for its proximity and its shaky internal politics. This enthusiastic intention to join the Association is a reflection of ASEAN's own 1967

⁷ The United Malay National Organization (UMNO) was created in 1946 in the wake of the British proposal to introduce the Malayan Union, a new centralised British government post Second World War. The indigenous Malay people saw that the proposed Malayan Union was a new form of British colonialism which they sought to be independent from especially after the British failed to protect Malaya against the Japanese invasion during Second World War. UMNO was the backbone of the Malaysian government and has been the governing party from independence until the present day. For more information on the Malayan Union, please refer to Albert Lau's (1991) *the Malayan Union Controversy: 1942-1948*, Oxford University Press, USA.

⁸ Initially, ASEAN's logo has only 5 rice stalks, symbolising the 5 original members. The new logo, which is in use has 10 rice stalks in it, was introduced in the 1990s following its commitment to include all 10 countries in the region of Southeast Asia into the organisation. For an elaborate explanation of the logo, Please visit <http://www.aseansec.org/7095.htm>.

Bangkok Declaration, which opened its membership to all nation states in the region.⁹

Several interested countries have expressed their intention to join ASEAN. However, seeing these countries, namely Sri Lanka, Papua New Guinea and Timor Leste admitted into ASEAN, it will involve a careful and extensive debate among member states, as these countries' locations are not in proximity and are beyond what may be classed as Southeast Asia and furthermore, they lag behind current members in economic terms.

3. THE ORIGIN OF THE PRINCIPLE

The non-interference principle (NIP) has been one of the most important guidelines for ASEAN internal relations. This principle, which is a part of the larger doctrine of the 'ASEAN Way', has been embedded in all ASEAN major documents and continues to be its *modus operandi*. However, as ASEAN membership became larger and the region started to experience significant incidents such as the 1997-98 Asian economic/financial crisis, environmental crises, the suppression of political and democratic movements, the global IT and information revolution, and the proliferation of human rights movements, the effectiveness of the non-interference policy in solving regional conflicts has been targeted for re-examination.

The concept of non-interference was first introduced in ASEAN's Bangkok Declaration of 1967. This foundation document states that the region wanted to be free from outside interference in its internal affairs (Ramcharan, 2000:1). It was further solidified in the ASEAN Treaty of Amity and Cooperation (TAC) 1971, in Article 2, which acts as a

⁹ The fourth statement in the Declaration invites all countries in the region of Southeast Asia to join the Association. Please refer to The Bangkok Declaration, Bangkok 8th August 1967. Document found on ASEAN's Official Website: <http://www.aseansec.org/1212.htm>.

general guideline for intra regional relationships between states. Among other things, the article commits ASEAN member states to have:

- mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations;
- the right of every state to lead its national existence, free from external interference, subversion or coercion; and
- non-interference in the internal affairs of another member states.

One of the most important ingredients in the TAC was the notion of states not getting involved in other member states' internal affairs. This non-interference principle (hereafter referred to as 'NiP') gave an explicit assurance that the sovereignty of the member states was guaranteed, and that no unwarranted intervention would occur in the event of any member states experiencing internal problems. This arrangement worked well until the process of ASEAN enlargement, which meant that a bigger organisation would inevitably experience bigger problems. Brunei Darussalam became a member of ASEAN on 8 January 1984, Vietnam on 28 July 1995, Laos and Myanmar on 23 July 1997 (in conjunction with ASEAN's 30th Anniversary), and, lastly, Cambodia on 30 April 1999.

The Southeast Asian region is no stranger to regional conflict and internal political instability in its member states. With several unresolved political and security issues ranging from intra-state tensions to bilateral or multilateral conflicts, this region needs an approachable mechanism in order to give a clear and acceptable methodology as a guideline for conflict management. Finding solutions for such conflict lies in the hands of not only the conflicting parties, but also regional member states, as trouble in one part of the region can have negative ramifications for all.

The 1997 coup in Cambodia, which saw Hun Sen taking over power from Ranariddh, just months before Cambodia's accession to ASEAN,

and the inability on the part of ASEAN as the regional organisation to react positively, is a clear indication that it does not have the political influence to resolve regional conflicts and skirmishes. The main reason for this shortcoming is the organisation's strict adherence to the concept of 'non-interference' in member states' internal problems, which is enshrined in the ASEAN Treaty of Amity and Cooperation. Therefore, there must be a way for ASEAN, as the only regional peace and cooperation organisation, to be legally involved in such a discord.

What does non-interference mean in ASEAN politics from an operational point of view? Acharya (2001:58) explains the four precepts of non-interference policy among ASEAN member states as:

- i. Refraining from criticising the actions of the government of member states towards its own people.
- ii. Directing criticism at the actions of states that are perceived to constitute a breach of the principle of non-intervention.
- iii. Denying recognition, sanctuary, or other forms of support to any rebel group seeking to destabilise or overthrow the government of a neighbouring state.
- iv. Providing political support and material assistance to member-states in their actions against subversive activities.

4. REGIONAL EVENTS THAT QUESTIONED THE PRINCIPLE

In the history of ASEAN, four major events have tested the Association's non-interference principle, three of which have been relatively settled. These events are the 1997-1998 Asian Financial Crisis, The Indonesian Trans-boundary Haze Pollution Problem, the Severe Acute Respiratory Syndrome Epidemic (SARS) and the political unrest in Myanmar. There is a fifth incident, which was the Cambodian issue, but as Cambodia is still not part of this Association, it is not necessary to discuss it here.

The first three events have been contained, leaving the fourth as an ongoing issue. Political turmoil within Myanmar is still occurring, as hesitance persists on the part of ASEAN members to contribute meaningfully towards finding an amicable solution.

4.1 1997-1998 Asian Financial Crisis

There have been many theories and assumptions made as to why the Asian Financial Crisis occurred from the middle of July 1997 to February of 1998. Some of the causes identified are poor government policies, ineffective national financial systems and practices, private sector debt problems and poor loan quality, rising external liabilities for borrowing countries, the pegging of local currencies and the U.S. dollar, a global economic slowdown, balance-of-payments (BOP) difficulties, and changes to the technology used in financial markets.¹⁰ The International Monetary Fund was also criticised for bad diagnosis and bad prescription (Severino, 2002:98).

The crisis first struck Thailand before snowballing to Malaysia, the Philippines, Indonesia, Singapore and eventually to South Korea. It is widely argued that the crisis started in Thailand with the financial collapse of the Thai Baht, caused by the decision of the Thai government to float the Baht on 2nd July 1997. The Thai Baht collapsed after fierce and intense speculations by international hedge funds, which withdrew their investments in huge sums after witnessing the local financial system crumble. The Thai economy was overheating, with escalating non-performing loans due to the rise of interest rates in the U.S. economy. The Thai financial collapse had a domino effect in the sense that international investors started to withdraw their investments from neighbouring Malaysia, The Philippines, Indonesia and lastly Singapore for fear of losing their money. The Malaysian Premier, Mahathir, put much of the blame on international hedge funds and named George Soros as one of the biggest culprits (Mahathir, 2000:55).

¹⁰ Congressional Research Services report to the U.S. Congress by Dick K. Nanto titled 'The 1997-1998 Asian Financial Crisis' at <http://www.fas.org/man/crs/crs-asia2.htm>

The rise in U.S. interest rates, due to slow economic activity in the States, translated into an appreciation of the U.S. dollar. This meant that local banks and businesses ended up with significantly larger debts than they initially expected, resulting in borrowing that could not be serviced. To make things worse, many of the borrowings were short-term loans for long-term investments, for example in real estate and infrastructure projects. Claims of nepotism and cronyism were also levelled at the Asian Tiger economies, but these were denied (Chang, 1998; Liu, 1999).

Before the crisis, Southeast Asian economies offered high interest rates to foreign investors in order to propel forwards regional economic activities. As a direct outcome of this policy, the region experienced high inflows of capital into the economies of Thailand, Malaysia, Indonesia, the Philippines, Singapore, and South Korea, resulting in high growth rates of between 8 and 12% GDP in the late 1980s and early 1990s. This 'bubble economy' amazed the world and earned these countries the nickname 'Asian Economic Tigers'. The World Bank called these countries the 'miracle economies' – the model of economic development for the rest of the developing world to emulate.¹¹

As a result of the economic downturn resulting from the crisis, the governments in Indonesia and Thailand were replaced and a power struggle between Mahathir and Anwar transpired in Malaysia. Thailand and Indonesia resorted to IMF funds to salvage what they could, which amounted to \$17.2 and \$40 billion, respectively¹² Both countries had to restructure their economic and financial systems according to IMF guidelines, a precondition put in by the international institution before funds were released.

¹¹ World Bank, (1993) 'The East Asian Miracle: Economic Growth and Public Policy', Oxford University Press, New York.

¹² By the end of August IMF agreed to provide Thailand with a \$17.2 billion standby assistance spread over 34 months. The contributions for the \$17.2 billion came from IMF (\$4 billion), the WB and ADB (\$2.7 billion), and Japan, Singapore and others (\$10.5 billion).

Some scholars cite ASEAN's non-interference principle as a contributory factor in this bitter experience. Hadi Soesastro (1999), Stuart Harris (1999) and T.J. Pempel (1999), to name just a few, all claimed that detection and remedial steps were made impossible due to ASEAN's strict adherence to the non-interference principal. Pempel, for example, stated that:

"During the crisis, ASEAN struggled to play a role, but it was not equipped institutionally to do so without the voluntary cooperation of its members. Most governments resisted any surrender of their independence or any modification of the ASEAN non-interference principal in domestic affairs".¹³

However, Professor Wing Thye Woo of the Department of Economics at the University of California argued that although it was recognised that policy failures by Asian financial institutions did play a role, financial panic among international investors was also to blame. Woo also claimed that the introduction of flawed macroeconomics, which he termed 'macroeconomic malpractice of the IMF', was also a source of failure. The IMF instigated major financial adjustments ranging from hiking interest rates to the merging of local financial institutions, which in some instances worked while in others did not.

The late Professor Michael Liefer of the London School of Economics and Political Science declared in 2000 that, "ASEAN has been largely irrelevant in the economic crisis... ASEAN's feebleness and disarray have diminished its international standing". That statement sums up ASEAN's role in the infamous 1997-1998 East Asian Financial crisis. It is argued that if ASEAN members had shared valuable information, for instance financially sensitive statistical data, with regional partners the severity of the crisis could have been decreased. However, others argue

¹³ T.J. Pempel, (1999), 'Regional Ups, Regional Downs in the Politics of the Asian Economic Crisis' cited in Severino, (2006), 'Southeast Asia In Search of the ASEAN Community' ISEAS, Singapore.

that the crisis was imminent due to the nature of speculation attacks and panic withdrawals by investors.

Out of the five ASEAN countries, Thailand and Indonesia were the worst hit, while Singapore bounced back within just one year of the incident. Malaysia and Singapore resisted the International Monetary Fund's offer of help, which demonstrated their strong economic fundamentals and huge reserves.

Nevertheless, the question that remains is could ASEAN have done any better in resolving the Financial Crisis? ASEAN as an organisation should have done better to remedy the financial situation. In short, it was up to individual economies to either dig deep into their own reserves and persevere, or decide to borrow from the IMF. Malaysia and Singapore, for example, resisted the IMF's offer; rather, they fell back on their own economic fundamentals, huge reserves and strengths to pull through the crisis. Other countries such as Thailand and Indonesia accepted the IMF's financial assistance, which resulted in a massive restructuring of their financial systems.

4.2 Haze Problem

As if the region was not in enough trouble, Southeast Asian countries also faced an environmental catastrophe in the form of haze pollution originating from the peat fires in Indonesia. Although some fires started as a result of drought, accidental fires and acts of nature, it was reported that the Indonesian Haze of 1997-1998 was also the result of deliberate burning and clearing by plantation corporations, in order to clear the lands and make way for mass palm oil and timber plantations (Severiono, 2006:108). By the end of 1998, it was estimated that some 8 million hectares of land had burnt, affecting millions of people in the region in terms of health and finance. It was estimated at the time that the financial losses amounted to around \$4.5 billion.¹⁴

¹⁴ The fires originally only affected Indonesia, Malaysia and Singapore but by early 1998, countries as far as Thailand and Brunei also felt the effects of the haze. For a comprehensive

This was not the first time that such an outbreak had occurred. Serious haze pollutions took place between 1982-1983, 1987, 1991 and 1994. It was not until 1995, however, that serious and concerted efforts were taken to tackle this reoccurring issue. Indonesia, which was at the epicentre of the problem, never rejected any constructive suggestion to curtail the magnifying problem. Due to the dire environmental situation, ASEAN Environmental Ministers vented their anger and concern. During the Environmental Ministers Meeting in Bandar Seri Begawan in 1998, the Ministers gave their assessments and comments explicitly and officially, but not publicly (Severino, 2006:110). This was done despite Suharto's apology a year before when the same meeting took place in Jakarta. Indonesia did not feel offended, but rather welcomed these criticisms which paved the way for a regional permanent task force to deal with such problems in the future.

As a result, a Regional Haze Action Plan was agreed by the Ministers in 1998, which led to the establishment of the ASEAN Agreement on Trans-Boundary Haze Pollution in 2002. The agreement came into effect in November 2003 when six ASEAN nations ratified the treaty, namely Singapore, Malaysia, Myanmar, Brunei, Vietnam and Thailand. Ironically, however, Indonesia, which was the main state involved in this problem, did not ratify and is still to do so. However, the fact that Indonesia does not have the ability to tackle this problem alone explains why the Indonesian government is ready to absorb the blame and receive regional help and assistance.

4.3 SARS Problem

The Severe Acute Respiratory Syndrome (SARS) epidemic that swept through Asia was dealt with in a decisive and a timely manner by all ASEAN countries. ASEAN countries understood that immediate remedial steps should be taken as this epidemic must be contained before it could cause further damage. The first SARS case took place in

reading, refer to Glover, David & Jessup, Timothy, (2006), 'Indonesia's Fire and Haze : The Cost of Catastrophe', Institute of Southeast Asian Studies, Singapore

Guangdong Province in China in 2002. SARS' first appearance in an ASEAN country was in Vietnam's Hanoi, brought in by a business man who had travelled from the Guangdong Province.

Due to the rapid spread of the syndrome, by April 2003 SARS had spread through Indonesia, Malaysia, the Philippines, Singapore, Thailand and Vietnam. This epidemic had negative effects on the economy of the region, especially within the tourism sector. Singapore, which thrived on the tourism industry, saw a rapid decline of up to 74% in terms of tourist arrivals at the height of the epidemic¹⁵ ASEAN+3 (China, Japan and South Korea) meetings were regularly held, and help from the World Health Organisation (WHO) was actively sought. Among the drastic measures taken to contain the disease were strict border checking at all airports, ports and land entry points, the sharing of information over newly detected cases and a hotline network among member countries. By the end of the epidemic, 282 cases had been recorded within ASEAN countries, thirty-five of which were fatal. Most of the fatalities were in Singapore and Vietnam¹⁶ By June 2003, the ASEAN region was declared a 'SARS-free region' by Health Ministers meeting in Siem Reap. The SARS episode in the ASEAN region was tackled in a thoroughly open manner, as nobody would benefit from being infected with such a disease. This incident proves that as long as the issue does not involve political or security matters, ASEAN countries are more than willing to cooperate and share their information. As this crisis was also a trans-boundary problem, similar to the haze pollution incident, it was handled relatively transparently compared to the isolated issue of Myanmar

¹⁵ The Singapore Tourism Board said on Monday that visitor numbers between April 22 and April 28 had fallen to 32,800, down 74% on the same period last year. SARS killed 25 Singaporeans and infected 173 more over the past two months. Please refer to BBC News, 5 May 2003 accessed at <http://news.bbc.co.uk/1/hi/business/3001717.stm> on 13 July 2007.

¹⁶ http://www.who.int/csr/sars/country/2003_4_29/en/

4.4 Myanmar

Myanmar has been a source of embarrassment to ASEAN, partly due to the inability of the Association to find a resounding solution to the prolonged episode and partly to the failure of the ruling military junta to take heed of the good faith and political persuasion offered by everyone in an attempt to change the political landscape in Myanmar.¹⁷ Despite numerous appeals by ASEAN and even the United Nations, the military regime in Yangon (previously known as Rangoon) has always found excuses to maintain the status quo. Myanmar's persistent rejection to any significant political reconciliation with the democratic movements has started to become a 'burden' and the source of humiliation to other ASEAN members (Ganesan, 2006:132).

The regime has resisted any political change, fearing that such a shift would spell the end to the junta administration. Since its acceptance into ASEAN in 1997, Myanmar/Burma¹⁸ has disrupted some of ASEAN's relations with other regional countries and organisations. However, ASEAN's insistence on Myanmar's inclusion in all its activities has resulted in attempts to boycotts and disengagement, as well as the abandonment of projects.¹⁹

ASEAN's relations with the EU have been strained due to the latter's position on Myanmar (Petersson, 2006:564). The EU has put much

¹⁷ An interview with Razali Ismail, the special UN envoy to Myanmar revealed that Myanmar has never had any serious intention of trying democracy. Its military leaders were reluctant to share its power with the democratic parties fearing a backlash in terms of retribution and losing power.

¹⁸ The military government changed the name Burma to Myanmar in 1989 in order to break away from any colonial legacy. The name Burma was given by the British when it colonised the country. On 18 June 1989, the military junta passed the 'Adaptation of Expressions Law' that officially changed the English version of the country's name from *Burma* to *Myanmar*, and changed the English versions of many place names in the country along with it, such as its former capital city from *Rangoon* to *Yangon*.

¹⁹ As a result of Myanmar's inclusion to ASEAN, EU had called off the 1997 ASEAN-EU Joint Cooperation Committee Meeting and the problem persist when Myanmar officials' Visas were not approved for the 1998 ASEM II meeting in London. However, after much diplomatic discussion, the EU decided to allow Myanmar to be involved in ASEM meeting as an observer (Pattugalan, 1999:49).

emphasis on the human rights track record when it comes to establishing cooperation with third world countries.²⁰ ASEAN's unrelenting support of the junta government is partly to show to the junta that ASEAN is working hard to help Myanmar become accepted in the international arena in exchange for some sort of political change. However, this effort has backfired the Association more than benefited it. Myanmar has, in most of the time, taken the advantage without repaying it with any significant step at restoring political and democratic order in the country and engages the NLD purposefully.

One simple explanation as to why such change has been resisted by the military government is that it does not want to lose its grip on power and risk the possibility of being tried by its own people once democracy is established. Razali concluded that after seeing dictators and military governments brought to justice in several parts of the world after surrendering their power to the people, the Myanmar government is terrified that it will suffer the same fate: "The way Suharto was being charged in court, despite decades of rule over Indonesia has put fear to the military junta that the same fate would befall upon them if democracy is given a chance in Myanmar"²¹ Therefore, Myanmar has played with ASEAN throughout, without any real intention of changing.

It was obvious to ASEAN governments that after the sudden sacking of the Myanmar Prime Minister General Khin Nyunt, who showed a slight inclination towards change, along with many other top officials, the military government in Yangon would not change its attitude as anticipated. The ASEAN strategy of tempting Myanmar with economic benefits and political support did not bear any fruit.

²⁰ With the signing of the 1997 Amsterdam Treaty, the EU has put much emphasis on the protection of basic human rights, inline with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Therefore, doing any sort of co operations with a country like Myanmar would violate this convention. To refer the convention, go to <http://www.europa.eu.int/scadplus/leg/en/s50000.htm>.

²¹ Interview with Razali Ismail on 5th April 2007 in Kuala Lumpur.

ASEAN failed to use the opportunity that arose in 2005 when Myanmar took the ASEAN chairmanship from Malaysia. By finding ways to pressurise Myanmar into changing its domestic policies or risk the chairmanship, ASEAN countries eventually coerced Myanmar into voluntarily passing the chair to the Philippines. Should Myanmar insist on taking the chairmanship, ASEAN risked a series of boycotts by America and Europe. The Americans announced that they would not participate in the forthcoming post-ministerial conference or the ARF annual gathering should Myanmar take the chairmanship (Severino, 2006:140).

To the relief of the ASEAN countries, Myanmar agreed to pass the chair to the Philippines, citing that its priority to tackle the ongoing internal reconciliation and democratisation process as the reason for not taking the chair.²² This decision has been a source of relief to the ASEAN members due to the mounting pressures from the international community to take some sort of action against Myanmar (James, 2006:163).

In a joint communiqué made on the 26 July 2005, ASEAN, in the true spirit of 'face saving politics' generously 'thanked' Myanmar for its understanding and sacrifice.

**Statement by the ASEAN Foreign Ministers
Vientiane, 25 July 2005**

We, the Foreign Ministers of ASEAN have been informed by our colleague, Foreign Minister U Nyan Win of Myanmar, that the Government of Myanmar had decided to relinquish its turn to be the Chair of ASEAN in 2006 because it would want to focus its attention on the ongoing national reconciliation and democratisation process. Our colleague from Myanmar has explained to us that 2006 will be a critical year and that the Government of Myanmar wants to give its full attention to the process.

²² 'Myanmar Decline to Take Over ASEAN Chair', New Straits Times, July 27 2005.

We would like to express our complete understanding of the decision by the Government of Myanmar. We also express our sincere appreciation to the Government of Myanmar for not allowing its national preoccupation to affect ASEAN's solidarity and cohesiveness. The Government of Myanmar has shown its commitment to the well-being of ASEAN and its goal of advancing the interest of all Member Countries.

We agreed that once Myanmar is ready to take its turn to be the ASEAN Chair, it can do so.²³

This incident demonstrated ASEAN's inability to act decisively in the face of a serious conflict.

ASEAN's reputation in the eyes of international politics has been badly damaged and confirmed critics' appraisals of ASEAN as no more than window dressing when it comes to crunch matters. One positive note that could be the seed for future actions on Myanmar is the call for the expulsion of Myanmar from the Association by Mahathir Mohamad during his last days of his premiership (Gunesan, 2006:142).

The events above have challenged the non-interference principle in ASEAN as regional countries have been forced, in some circumstances, to accept open criticism and share vital information with neighbouring countries. These exchanges have not happened before and will presumably continue to test how transparent ASEAN countries have been. However, ASEAN countries still find it hard to interfere when the issue concerns politics and security, as witnessed in the Myanmar example and the Indonesian conflict with Aceh and the breakaway of Timor.

It is obvious from the four issues stated above that ASEAN has been an organisation without any consequential influence when it comes to issues pertaining to human rights, internal politics and the repression of democratic movements. Its performance in economic and social

²³ <http://www.aseansec.org/17589.htm>

affairs seems to be better considering both issues do not have any direct repercussions on the political powers of member states. ASEAN can only hope that change will come from the states themselves, rather than being pressured and subjugated by external parties.

5. ATTEMPTS TO CHANGE THE NON-INTERFERENCE POLICY

Over the years, attempts to alter the original non-interference policy have been met with hostility and been diluted. As being discussed above, due to its adherence to the non-interference principal, ASEAN has not been able to bring much change to areas where the Association has to exert its political influence forcefully, or where the issue involves politics or security. The Association has been accommodating rather than proactive and decisive.

When the Association was confronted with the Cambodian political conflict, it could at least exert some kind of pressure upon Cambodia as the communist country was still not part of the Association. Cambodia's membership was postponed not because ASEAN wanted to see a change in the political situation in Phnom Penh, but because Cambodia was in a state of chaos and did not have a respectable national government. ASEAN was reported as being "actively involved, engaged, or intervening in Cambodia" (Kim Houn, 1999:54). As soon as Hun Sen won the 1998 national elections, ASEAN took no time in extending a renewed invitation and accepting the Cambodian government into its fold. This was all in the name of realising the ASEAN 10 objective.

Efforts to alter ASEAN's NiP were started in 1997 by a high-ranking ASEAN official, the Malaysian Deputy Prime Minister. Anwar Ibrahim's interview with Newsweek International in 1997 mooted the idea of 'constructive intervention' with his five-fold proposal.²⁴ Anwar argued that "ASEAN must now move from being a largely reactive organisation to

²⁴ Anwar Ibrahim, 'Crisis Prevention', Newsweek International, 21 July 1997, p.13.

one that is proactive”.²⁵ The Association should take instant steps before the situation in Cambodia erupted into a full-blown crisis. Cambodia already had a track record of bloody infighting, which cost the lives of more than 1.5 million people.²⁶

Anwar argued that constructive intervention did not constitute interfering into member states’ internal affairs, as proposals such as firming up electoral processes, increasing support for legal and administrative reforms and strengthening the rule of law were seen as aiding the government in need. Intervening in countries in conflict would also be a moral and humanitarian obligation, especially if it meant avoiding loss of life and restoring peace and security. However, no follow-up was made until almost a year later.

In June 1998, the Thai Foreign Minister, Surin Pitsuwan, revived Anwar’s proposal in a speech he gave at the Thammasat University. According to Pitsuwan, changing this policy of inactivity and restriction would give ASEAN the “...constructive role in preventing or resolving domestic issues with regional implication”.²⁷ Pitsuwan made an effort to make the concept more suitable by changing its name to ‘Flexible Engagement’, which was presented at the ASEAN Annual Ministerial Meeting in July the same year. At the AMM meeting, after rigorous discussion by the meeting’s members, only the Philippines supported this idea, but ASEAN came to a compromise and agreed to a new, milder formula of ‘Enhanced Interaction’.

²⁵ Emmers, Ralf, (2003), ‘Cooperative Security and The Balance of Power in ASEAN and the ARF’, RoutledgeCurzon, London.

²⁶ After taking power, the Khmer Rouge leadership renamed the country Democratic Kampuchea. The **Khmer Rouge** subjected Cambodia to a radical social reform process that was aimed at creating a purely agrarian-based Communist society. The city-dwellers were deported to the countryside, where they were combined with the local population and subjected to forced labour. About 1.5 million Cambodians are estimated to have died in waves of murder, torture, and starvation, aimed particularly at the educated and intellectual elite. Refer to David P. Chandler: *A History of Cambodia* (Westview Press 2000) and Ben Kiernan: *How Pol Pot Came to Power: Colonialism, Nationalism, and Communism in Cambodia, 1930-1975* (Yale University Press, Second Edition 2004)

²⁷ Dr. Surin Pitsuwan, ‘Thailand Foreign Policy During the Economic and Social Crisis’, presented at Thammasat University, 12 June 1998, p.6.

So many names have been given to this new format of regional interaction. Among others are 'Flexible Engagement' and 'Constructive Engagement'. However, such a discussion does not take place in ASEAN official meetings such as the ASEAN Ministerial Meetings (AMM) and the ASEAN Summit; rather, the matter is discussed separately before or after such meetings. These gatherings are termed as 'retreats' which connotes the relaxed, informal and frank nature of discussions (Katsumata, 2004:2). During the ASEAN Ministerial Meeting in 2002, the Foreign Ministers "...reaffirmed the usefulness of informal, open and frank dialogue... to address issues of common concern to the region".²⁸

The fact that ASEAN members resist institutionalising a change in the approach to the discussion of internal matters relating another member clearly shows the uphill task faced and the inability of ASEAN to change its original formula of non-interference. One reason may be that all member states are still in the process of nation building, even after decades of independence.

However, the fact that ASEAN has opened a new avenue to discuss issues of concern to all, although informally, marks a degree of shift in its non-interference policy. The non-interference principal has been interpreted in a more flexible way,²⁹ but does this shift from being overtly sensitive to being a bit more receptive an indication of change, as these retreats are informal meetings and do not have any binding resolutions? Simon Tay & Jesus Estanislao (2001) and Herman Kraft (2000) defended these retreats, stating that they do make a difference in the way ASEAN countries view regional conflict. The authors attribute such a paradigm shift to the 1997-1998 Economic Crisis, the Indonesian Haze problem, drug trafficking problems and trans-boundary crime, which all fall under the spheres of economic, financial and social issues rather than politics and good governance.

²⁸ ASEAN Joint Communique, the 35th ASEAN Ministerial Meeting, Bandar Seri Begawan, Brunei, July 29-30, 2002.

²⁹ Hiro Katsumata, (April 2004), 'Why is ASEAN Diplomacy Changing: From "Non-interference" to "Open and Frank Discussion?" Asian Survey, University of California.

Malaysia, Indonesia, Cambodia, Myanmar, Laos and even Singapore have been less than enthusiastic about changing the modus operandi of intra-regional cooperation. This passive stand was again shown during the 2007 'Saffron Revolution', which was led by thousands of monks, who received harsh retaliation from the Myanmar military government.³⁰ According to media reports, anti-government protests started on August 15, 2007 and have been ongoing since that time. Thousands of Buddhist monks started leading protests on September 18, and were joined by Buddhist nuns on September 23. On September 24, 20,000 monks and nuns led 30,000 people in a protest march from the Golden Shwedagon Pagoda in Yangon, past the offices of the opposition National League for Democracy (NLD) party. Comedian Zaganar and national TV star Kyaw Thu brought food and water to the monks. On September 22, the monks marched to greet Aung San Suu Kyi, a peace activist who had been under house arrest since 1990.³¹

In the midst of the conflict, the United Nations sent Ibrahim Gambari to assess the situation on the ground, and to discuss ways to resolve the tension with the ruling junta. The Myanmar state media said that all but ninety-one of the nearly 3,000 arrested in the crackdown were released. Ibrahim Gambari criticised the closing of the monasteries, yet was assured that the crackdown would stop.³²

The Myanmar junta is still struggling with the democratic movement led by Suu Kyi. At the time of writing this thesis, the latest situation

³⁰ The Saffron Revolution was launched as the immediate response to the unannounced decision of the ruling Myanmar junta, the State Peace and Development Council to remove fuel subsidies which caused the price of diesel and petrol to suddenly rise as much as 66%, and the price of compressed natural gas for buses to increase fivefold in less than a week.

³¹ <http://afp.google.com/article/ALeqM5ivO0AtyBkmFxEVb3xG3xpzLlpGIQ>
accessed on 3 March 2008

³² News at <http://www.nytimes.com/reuters/world/international-myanmar-monastery.html> accessed on 4 March 2008.

in Myanmar is a bit tense with the current trial of Suu Kyi.³³ For the first time, UN Secretary General Ban Ki Moon has personally visited Myanmar and discussed the issue with General Than Shwe, the junta's chief.³⁴ Despite assurances given by the General that the coming elections will be free and fair, the international community cannot escape its pessimism about the current situation (Fawthrop, 2009:27).

6. MALAYSIA AS A REGIONAL PLAYER

Malaysia has proved time and again that it can play a significant role, if it wishes to, in influencing and at times leading regional co-operations. Almost all if not all past Malaysian Prime Ministers have devoted significant effort and time in pursuing the dream of building a more cohesive and strong regional co-operation via ASEAN. Not forgetting the fact Malaysia is among the founding members of ASEAN, it has also played important roles in shaping ASEAN foreign policy and economic co-operations.

6.1 Tun Razak and ZOPFAN

Notably, Razak's marked achievement in regional politics was the proposal for the neutralisation of the region in 1971. The November 1971 Kuala Lumpur Declaration of Zone of Peace, Freedom and Neutrality showed how serious he was in promoting regional peace and security, which would create a conducive environment for nation building to take place. By successfully persuading ASEAN countries to take a neutral stand during the height of the Cold War, Razak succeeded in portraying Malaysia's stature as an important regional political player. By being neutral as well, Malaysia would be able to build relationships with both the West and the

³³ Suu Kyi is currently on trial and has been handed an 18 month House Arrest for allowing John Yettaw, an American who swam across the lakeside house in May 2009. Her latest trial has sparked international criticism and is considered as a plot by the military junta to disallow her from taking part in the coming Myanmar General Election. Yettaw himself was sentenced to seven years of hard labour, but has been released by the junta upon a high profile visit by US Senator Jim Webb and was flown back to the United States. Senator Webb is a strong proponent of engagement with the military government which obviously receives strong objections from Myanmar's political and civil groups.

³⁴ Tom Fawthrop, (2009) 'ASEAN's Burmese Diplomacy Has Failed', Guardian, 27 July 2009.

East at the same time. Malaysia, and to some extent other countries in the region, would enjoy the liberty to trade with any state that it wished to, without being subjected to political intimidation and influences. Razak's untimely death on 14th January 1976, at the age of 54, was a hugely unpleasant surprise to everyone. His early death explained why he was always so precise in setting up his political objectives – all the time in a rush – followed by significant steps towards the realisation of his plans.³⁵

6.2 Tun Hussein and Regional Issues

On the regional front, Tun Hussein, like other regional leaders of his time, was preoccupied with the threat of Vietnamese-Soviet expansionism. With the devastating withdrawal of the American forces from Vietnam in 1975, the Southeast Asian region became vulnerable and intimidated by the communist expansion to other parts of the region, especially after Vietnam invaded Cambodia (Kampuchea) in January 1979.³⁶

Tun Hussein and his ASEAN counterparts lobbied at the United Nations that Cambodia's chair at the UN should remain and be represented by the exiled Democratic Kampuchea government (Means, 1991:77). Prince Norodom Sihanouk was entrusted to head the exile government and fight for Cambodia's independent from outside.³⁷ Sihanouk, regrettably, had

³⁵ Tun Abdul Razak suffered a long-fought leukemia illness but succeeded in keeping it a secret. When his condition worsened in December 1975, he announced that he was having a 'holiday' in London, the place where he passed away. For a brief biography on Tun Razak, please refer to Shaw, W. (1976) *Tun Razak: His Life and Times*, Longman Publishing Group, Kuala Lumpur.

³⁶ Vietnamese forces invaded Kampuchea (Cambodia) on 7th January 1979, in order to overthrow the Khmer Rouge government. This ended the Cambodian genocide from 1975-1979 under the rule of Pol Pot which was being supported by the Chinese. Vietnam aligned with the Soviets with the signing of the 1978 'Friendship Treaty'.

³⁷ Prince Sihanouk lived in exile in China and North Korea after the fall of Cambodia. In 1982, he became president of the Coalition Government of Democratic Kampuchea (CGDK), which consisted of his own Funcinpec party, Son Sann's KPNLF, and the Khmer Rouge. The Vietnamese withdrew in 1989, leaving behind a pro-Vietnamese government under ex-Khmer Rouge cadre Hun Sen to run the People's Republic of Kampuchea (PRK). For a brief biography of the Prince, please refer to Osborne, Milton E. (1994) *Sihanouk Prince of Light, Prince of Darkness*. Honolulu: University of Hawaii Press.

to join forces with the Khmer Rouge, whom had forced his resignation a year before, to form a formidable force against the Vietnam-backed Pol Pot government.

As the threat of Vietnamese expansionism became more apparent, and ASEAN countries saw the incidents of Vietnam's incursions into Thailand in their effort to uproot rebellion forces at the borders, Tun Hussein and President Suharto jointly organised a meeting in Kuantan.³⁸ The 'Kuantan Principle' was announced in March 1980, which stated that China and the Soviet Russia should refrain from involvement in Southeast Asia, and called for a political solution to the Cambodian problem (Teik Soon, 1982:553). As Thailand became more restless with the threat from Vietnamese-Cambodian attacks, Tun Hussein announced in October that year that Malaysia would come to Thailand's rescue should the Kingdom be attacked. Tun Hussein also sent his Foreign Minister to visit Hanoi in January 1981 to show that Malaysia, although serious about wanting Vietnam to vacate Cambodia, was at the same time more flexible in approaching the problem.³⁹

Malaysia was affected directly by the war in Cambodia, as it had to accept more than 38,000 refugees from that part of the world. Most Cambodians taking refuge in Malaysia were Muslim Cambodians, making the decision to help and house them far more complex. Malaysia

³⁸ Thailand and ASEAN countries were alarmed at the Vietnamese incursions into Thailand in June 1980 and again in January 1981. On the latter occasion, the Thai government protested the incursion by Cambodia-based Vietnamese troops and the deaths of two Thai soldiers. There was another incident involving Vietnamese and Thai troops at the end of January 1981 when a Thai soldier was killed during the skirmishes. For additional discussion, please refer to Lau Teik Soon (Jun 1982) *ASEAN and the Cambodian Problem*, Asian Survey, Vol. 22, No. 6.

³⁹ The delegation to Hanoi was to show that Malaysia was taking a flexible approach in finding solutions to the Cambodian invasion. But it was reported that the visit was a failed mission as Vietnam was adamant on supporting the Heng Samrin government that they had placed therein. Vietnam maintained that they acted on behalf of Heng Samrin's request. Vietnam also saw that as long as there was a Chinese threat in Indochina, they could possibly play the stabiliser role, and their existence in Cambodia was important to maintain peace and security to the region. Unless China's threat was removed, Vietnam's occupation of Cambodia would continue.

had to accept them in the name of Islamic brotherhood, which of course would make the decision acceptable to the Malay-Muslim majority of the country (Abu Bakar, 1990:83).

6.3 Tun Mahathir and ASEAN

"I am a Malaysian nationalist. For this I offer no apologies. I am also an ASEANist. I am deeply committed to ASEAN, which has played such a critical role in turning what was an area of turmoil, antagonism, conflict...into a zone of cooperative peace and prosperity" (Dr. Mahathir Mohamad at the Asia Society Conference on Asia and the Changing world, Tokyo, Japan, 1993).⁴⁰

Mahathir was one of the ASEAN leaders who categorically stated his appreciation of ASEAN as the driving force behind stability in the region. To Mahathir, ASEAN had a stabilizing influence and acted as a catalyst in developing national economic resilience in the Southeast Asian region. Consequently, ASEAN remained at the forefront of Malaysia's foreign policy priorities during Mahathir's premiership (Makarudin, 2004:viii).

Mahathir saw that the economic development, harmony and safety enjoyed by ASEAN countries for the previous forty years or so were as a result of successfully maintaining a peaceful, secure and business-friendly environment in the region. ASEAN made it possible for these countries to enjoy such an environment by abiding to the principles of ASEAN neighbourliness, a policy of non-aggression, non-interference into internal affairs, and the successful avoidance of escalated conflict.⁴¹

⁴⁰ For a selection of Mahathir's speeches and ideas on ASEAN, refer to Mohamad, Mahathir, (2004), *Reflections on ASEAN*, Pelanduk Publications, Kuala Lumpur.

⁴¹ It was obvious that Mahathir was indebted to the organisation from all of his speeches given over the years. In his final and departing speech at his last ASEAN Summit in 2003, he urged that the remaining ASEAN leaders uphold the non-interference principal, the consensus-based decision making, national and regional resilience, respect for national sovereignty, and the renunciation of the threat and the use of force in the settlement of dispute. These are the ASEAN norms and the ASEAN Way that have served ASEAN countries well. He reiterated again Malaysia's total commitment to the Association, having been one of the founding members of the organisation.

Mahathir always reminded ASEAN leaders of the need to implement every planned project and programme rather than making rhetorical announcements for the benefit of the press. In his speech addressed to the 29th ASEAN Economic Ministers meeting in Petaling Jaya, he urged all the delegates to remain focused in pursuing ASEAN objectives in economic and trade sectors, and start addressing issues that confronted them.⁴²

Malaysian foreign policy towards ASEAN and regional cooperation was nothing short of a full commitment, as Malaysia realised that in order for Malaysia and other states to achieve economic and political development, the region itself must offer a conducive and favourable environment. ASEAN succeeded in keeping bilateral conflicts at bay by not including them in any official meeting agendas. Malaysia's insistence in keeping the status quo as it was, and remaining true to the concept of non-interference and the non-use of force in settling disputes, bore fruit, as ASEAN countries have successfully avoided any military conflict since its inception in 1967. This alone is a milestone achievement for ASEAN.

7. CONCLUSION

Can Malaysia Lead the Change to a more Interventionist ASEAN

From the discussions above, it is clear that Malaysia can lead the way towards amending the Principle of Non-interference as long as it has the political will to do so. Malaysia has demonstrated that it could be an agent of change as it has done by sponsoring the ZOPFAN treaty, various economic co-operations, ASEAN expansionism process which saw its membership extended from 5 to ten and of course several other regional co-operation initiatives such as the setting up of ASEAN regional anti-terrorism center in Kuala Lumpur. The challenges that ASEAN countries faced during the ASIAN Economic Crisis, the SARS pandemic and the Indonesian Haze/Smog incident have distinctively prove that we have to

⁴² A speech delivered at the 29th ASEAN Economic Ministers' Meeting in Petaling Jaya, on October 16, 1997.

be more open in discussing certain national issues especially when it has an adverse effect to our neighbors. The Myanmar problem still remain unsettled and has become a source of embarrassment to ASEAN.

In an interview with Tun Mahathir in 2007, he agreed that ASEAN could have done more in managing regional political conflicts such as the Myanmar conflict but the problem was as to how could ASEAN amend the doctrine of non-interference and to what extent could we intervene. How can Malaysia itself as a country that has been upholding the doctrine of non-interventionist be able to persuade its neighbors to relax a bit and be brave enough to include others in discussing regional issues frankly and openly? His main concern was what would be the demarcation line between intervening and not intervening and who could give that definition. This exercise could open a flood gate of confusion and create uneasiness among ASEAN member states especially the more newer members which are basically having socialist background such as Vietnam, Laos, Myanmar and Cambodia.

Malaysia has her own political baggage which would prefer the principle of non-interference upheld rather than amended. Issues such as the affirmative actions for the Malays, Malay special rights and the protection for the Malay rulers are among the main concern and points of contestation. However, with the launching of the 1Malaysia slogan by the current Malaysian Prime Minister and several economic liberalization policies which would do away with protectionism and Malay quotas may mean that Malaysia is moving towards a more liberal and inclusive government compared to the previous ones. It is hoped that Malaysian leaders would have the political will to see through these changes which than would be reflected into a more frank and relaxed regional cooperations when it comes to the implementation of the non-interference principle in ASEAN.

Reference

- Dick K. Nanto titled '*The 1997-1998 Asian Financial Crisis*' at <http://www.fas.org/man/crs/crs-asia2.htm>.
- Funston, J. (March 2000), *ASEAN and The Principle of Non-interference- Practice and Prospect*, Singapore, ISEAS.
- Ganesan, N. (2006) *Thai-Myanmar-ASEAN Relations: The Politics of Face and Grace*, Asian Affairs, An American Review, Vol 33, Heldref Publication, Washington, D.C.
- Glover, David & Jessup, Timothy, (2006), '*Indonesia's Fire and Haze : The Cost of Catastrophe*' Institute of Southeast Asian Studies, Singapore
- Goh, Cheng Teik (1994). *Malaysia: Beyond Communal Politics*. Pelanduk Publications
- Harish, S.P. 2006. '*Ethnic or Religious Cleavage? Investigating the Nature Of The Conflict in Southern Thailand*', *Contemporary Southeast Asia*, Vol. 28, ISEAS, Singapore.
- Milne, S. & Mauzy, Diane (1999), *Malaysian Politics Under Mahathir*, Routledge, London.
- Oppenheim, L. (1995), *International Law*, 8th Edition, Longmans, London.
- Ramcharan, Robin, (2000), *ASEAN and Non-interference: A Principle Maintained*, *Contemporary Southeast Asia*, Singapore. Vol. 22 No. 1, ISEAS, Singapore.
- Robert B. Albritton and Thawilwadee Bureekul (2004), '*Developing Democracy under a New Constitution in Thailand*', National Taiwan University and Academia Sinica Asian Barometer Project Office Working Paper Series No. 28.
- Severino, (2006), *Southeast Asia In Search of the ASEAN Community*, ISEAS, Singapore.